

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
March 3, 2009**

Present: Commissioners Tom Lythgoe, and Dave Kirsch, John Kennick, Mark Krpan, Dean Ellis, Shawn Bryant, Jerral Bryant, Greg Duncan, Mark Trudeau, Steve Howke, John Hilton, Mark Taylor, Bob and Diana Collver, Daryl Stordhall.

CORRESPONDENCE

Commissioner Lythgoe presented a letter concerning Audit Responses, to Denning, Downey & Associates for the Audit Period of June 30, 2008. Rather than reading the letter aloud, Commissioner Lythgoe condensed the information stating that there was nothing out of order in the audit process, and the letter contained five responses to findings by the auditor. The letter was then signed by Commissioner Lythgoe and Kirsch.

Commissioner Lythgoe presented a letter from Sherry Carlson, Jefferson County Museum Director, that addressed the issue of a 99 year lease offered by the Clancy School Dist. for the use of the old school building. The Museum Board's opinion at this time is that they would prefer to keep the two room arrangement they now have. It was felt they couldn't afford expansion without a mill levy to help with the expense. It was decided by the Commission that no decision would be made regarding this issue until they heard an opinion from the Library Board.

Commissioner Lythgoe then read a letter from Montana Tunnels Inc. announcing discontinuation of mining operations and layoff. The letter stated that layoffs would begin May 1, 2009 and will be completed by May 31, 2009, and that approximately 92 employees will be laid off during this process. It stated that the layoffs were anticipated to be permanent and that the mine would eventually be closed. Commissioner Lythgoe requested that a copy of the letter be forwarded to Bonnie Ramey, Jefferson County Clerk & Recorder.

SUBDIVISION REVIEW

REQUEST FOR CONDITIONAL USE PERMIT - JERRAL BRYANT PROPERTY

Harold Stepper, Jefferson County Planner, presented his written staff report, and two maps as

handouts to the Commission. He then read the staff report regarding a request for Conditional Use Permit (CUP) for Lot 2 of the Bahny Minor Subdivision known as the Jerral Bryant property.

Harold provided a description of the property and explained that the property was located in an area zoned Basic Resource. The Amended North Jefferson County Zoning Regulations don't list commercial/industrial uses as a permitted use, conditional use, or prohibited use. The applicant requested that they be allowed to place a large majority of the 10.015 acres into a commercial/industrial use such as electrical and plumbing contractor facilities, truck and auto repair facilities, and welding shops. The remaining property including the house and accessory buildings would be utilized as residential.

Harold stated that a condition of the approval was that if the property is sold at some point as Commercial/Industrial, residential use of the property would cease. Also Jefferson County reserves the right to review any future uses of the remaining property.

It was Harold's recommendation that Jefferson County grant the CUP. There was some discussion.

Commissioner Kirsch made a motion to grant the Conditional Use Permit on Lot 2 owned by Jerral Bryant. Commissioner Lythgoe seconded and the motion carried.

Commissioners Lythgoe and Kirsch signed the document.

REQUEST FOR VARIANCE - JOHN KENNICK-MONTANA CITY

Harold then presented his written staff report for variance approval for Lot 2A of the Bannon Minor Subdivision II known as the John Kinnick property. He then read the staff report giving a description of the property.

He explained that the proposed request for a variance to the terms of the zoning regulations is to allow for a three lot minor subdivision for a family conveyance of Lot 2A of the Bannon Minor Subdivision II. The property lies within the boundaries of an area zoned as Basic Resource in the North Jefferson County Zoning Regulations. "Basic Resource" zoned areas call for a minimum lot area of 160 acres. Prior to the zoning the original 20+ acres was jointly owned by John Kennick and Bruce Bannon. They split the tract through a minor subdivision. Under the Definition of Classifications for Basic Resources, subdivision is not a permitted use, conditional use, or a prohibited use. Therefore, since subdivision is not included in any of the listed uses, it is considered a conditional use.

It was Harold's recommendation that the request for a variance be denied. It was his suggestion that similar requests from that area be done through a group petition request rather than a case by case request so that the will of the landowners in the area might be asserted.

There was a discussion and John Kennick addressed the Commission, stating that had he known at the time that the zoning would require 160 acre lot sizes and that a family conveyance could

not be done within a subdivision, that he would have done a five lot minor subdivision prior to the implementation of the zoning. Greg Duncan, John Kennick's neighbor then spoke to the Commission stating that he was in support of John's request. He pointed out that most of the area around didn't fit the characteristics of Basic Resource Zoning. He stated that there were no 160 acre parcels in all the land around in that area., and there were no parcels classified agricultural. He said there have been 10 and 12 acre parcels divided into 2 acre parcels. He also stated that Moonlight Ridge and Jack Mountain have no objection to Kennick's request.

Harold addressed the Commission repeating his preference for petition process of interested property owners. Commissioner Lythgoe agreed that process made sense and questioned John Kennick if he were in a big hurry to settle the issue. Mr. Kennick responded that he was not but he preferred not to have a wait involving a couple years. Commissioner Lythgoe suggested that they not deal with the variance at this time but give the petition process a chance to evolve and if Mr. Kennick needed something decided before that time he should return to the Commission with the request. Greg Duncan then brought up the subject of the fee expense to reapply for the variance and it was decided that in that event the fees would be waved.

Commissioner Lythgoe made a motion to put off to a future time the variance request. Commissioner Kirsch seconded and the motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

PUBLIC HEARING - FORMATION OF MOONLIGHT RIDGE/JACKSON CREEK RSID/RMD

Commission Lythgoe introduced the Public Hearing for the formation of Moonlight Ridge/Jackson Creek RSID, and Engineer On Call, Bill Lloyd with Great West Engineering.

Bill explained that there had been a 1st protest period (5 protest letters received) but for tactical reasons (not everyone received notice during the 1st protest mailing) a 2nd protest period was initiated. During that period ending at 5:00p.m. on March 2, 2009, only four (4) protest letters were received by the Jefferson County Clerk & Recorder's Office. The information was sent onto the Bond Council of Dorsey & Whitney for a final determination. Bill explained the process of determination by lot standard as opposed to lot frontage, and that the Bond Council would look at the percentage of protesting residents. It appeared there was less than 20% of lot owners protesting. Therefore, it would be the recommendation of the Bond Council that the RSID move forward.

Mark Trudeau, President of the Moonlight Ridge Homeowner's Association, stated that he was in support of the proposed RSID. Mark Taylor spoke in support of the RSID. Bob Vanek spoke for he and his wife Diana Collver, in support. Daryl Stordhall spoke in protest as to the process of assessment. He felt it should be based on lot frontage as opposed to the by lot standard. He gave the example that if there were one large parcel that could later be subdivided then a property owner could end up having 4 lots and paying for only 1. Mark Krpan spoke to the issue that the road was in need of engineering prior to the work commencing. He made note of a bad corner,

one asphalt driveway with run off that caused a hazard to other motorists, and the need for a stop sign.

Bill Lloyd approached the Commission to state that they would consider the issues but that it was not the purpose of the RSID to reconstruct the existing road. Mark Trudeau made the comment that there had at one time been a stop sign but it had disappeared and had not been replace. Bob Vanek stated that it was his asphalt driveway that was mentioned and that speed was the issue not the run off. Bill stated that miscellaneous signing would be addressed during the project.

The Public Hearing was then closed. Commissioner Lythgoe asked if anyone wished for the Resolution to read aloud and it was deemed unnecessary. Commission Lythgoe proceeded to give a synopsis of the document. Bob Vanek had a question pertaining to a time line for the project. Bill Lloyd stated that the next step was at the direction of the Commission. He said construction could be in place by June 1st and completed by Sept. 1st.

Commissioner Kirsch made a motion to adopt Resolution 08-2009 forming the Moonlight Ridge/Jackson Creek RSID. Commissioner Lythgoe seconded and the motion was carried. Commissioners Lythgoe and Kirsch signed the document.

Commissioner Kirsch made a motion to adjourn. Commissioner Lythgoe seconded and the motion carried. The meeting was adjourned at 2:15p.m.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER